IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 12.07.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.507 of 2006

Subramani ... Petitioner

Vs.

1.The Superintendent of Police,
Salem District,
Salem.

2.The Inspector of Police,
Omalur Police Station,
Salem District.

3.Settu .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct the respondents to produce the detenues viz., 1.Thangamma, 2.Vengatachalam, 3.Sakthivel, 4.Palanisamy, 5.Boopathy, 6.Shanmugam, 7.Gnanasekaran, 8.Paramasivam, 9.Arumugam, 10.Elaamma, 11.Kanaga, 12.Saritha, 13.Vasantha, 14.Aruna, 15.Karthik, 16, Suresh and 17.Murugesh, who were detained illegally by the third respondent before this Court and set them at liberty.

For Petitioner : Mr.V.Parthiban
For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

One Subramani has filed this petition seeking direction to the respondents for production of the detenus viz., 1.Thangamma,W/o Subramani, 39 years ,Kumar, 22 years; 2.Vengatachalam,aged about 18 years; 3.Sakthi Vel, aged about 15 years; 4.Palanisamy, aged about 13 years; 5.Boopathy, aged about 11 years; 6.Shanmugam, aged about 9 years; 7.Gnanasekaran, aged about 3 years; 8.Paramasivam, aged about

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1 and half years; 9.Arumugam, s/o Perumal, 40 years; 10.Elaamma,W/o Arumugam, 37 years; 11.Kanaga, 15 years; 12.Saritha, 14 years; 13.Vasantha, 12 years; 14.Aruna,11 years; 15.Karthik, 9 years; 16.Suresh, 8 years and 17.Murugesh, 6 years, before this Court and set them at liberty.

2. When the above petition came up for hearing on 07.07.2006, the learned Additional Public Prosecutor on instruction informed this Court that all the 18 named persons in the petition have been secured and produced before the District Collector, Salem and he sought further time for production of those persons before this Court. Today, all the detenus appeared before us. Most of them are below the age of 18.

3. The learned Additional Public Prosecutor has placed a letter dated 04.07.2006 from Tahsildar, Kolar Taluk, addressed to the Assistant Commissioner, Kolar Sub Division, Kolar, wherein it is stated that on enquiry it shows that the above mentioned persons are not bonded labours and all of them are working in stone crusher as daily wage earners and living near the quarry by putting thatched huts. According to the Tahsildar, all of them are independent workers staying with their families. He also informed the Assistant Commissioner that there are no bonded labours in his area and he handed over all 19 members(including children) to the Tamil Nadu Police. The above information shows that the named persons were not taken as bonded labours to Karnataka. However, the fact remains that most of them are at the age group of 6 to 15.

4. Mr.V.Parthiban, learned counsel appearing for the petitioner informed this Court that on direction by the District Collector, Salem, now the children are attending schools. The above statement is hereby recorded. In so far as the other members, viz.,Thangamma, Vengatachalam, Arumugam and Elaamma, they are free to make a representation to the District Collector, Salem, for necessary help. If any such representation is made, the Collector, Salem District, is directed to consider their case sympathetically and provide employment, if the same is permissible atleast for a minimum period of three months.

5. With the above observation, this petition is closed.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The District Collector, Salem.

2. The Superintendent of Police, Salem District, Salem.

3.The Inspector of Police, Omalur Police Station, Salem District.

4.The Public Prosecutor, High Court, Madras.

Copy to

1.The Tahsildar,
Kolar Taluk,
Karnataka State. (for Information)

2.The Asst. Commissioner of Police,
Kolar Sub-Division, Kolar,
Karnataka State. (for Information)

+1cc to Mr.V.Parthiban, Advocate Sr 29883

HPR (CO)
km/14.7.

HCP. No.507 of 2006

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